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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,067	10/14/2003	Gordon L. Brown JR.	30922-2	4373

7590 12/31/2008
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EXAMINER

DONNELLY, JEROME W

ART UNIT	PAPER NUMBER
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3764

MAIL DATE	DELIVERY MODE
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12/31/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/685,067

Applicant(s)

BROWN, GORDON L.

Examiner

Jerome W. Donnelly

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) ____ is/are pending in the application. 1-8 10-15 19 and 20
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) ____ is/are rejected. 1-8, 14, 15 and 19
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.



JEROME DONNELLY
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The indicated allowability of claim 19 is withdrawn in view of the newly discovered reference(s) Rejections based on the newly cited reference(s) follow.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 14, 15 and 19 rejected under 35 U.S.C. 103(a) as being unpatentable over Younghusband.

Younghusband discloses a device having a tube (13) having opposite ends and a cylindrical interior, said tube having an inherent degree of bend ability.

Said device including a flexible rod in the form of a pipe cleaner and each end of said tube having a closure, one end being in the form of an end cap and one end being in the form of a wall.

Younghusband however does not disclose his device as including a rod member having a cross section of rectangular configuration.

Karalius teaches providing a pipe cleaner wherein the rod component of the device is rectangular.

Given the above teaching the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture at least a portion of the rod of Younghusband of a rectangular cross section for the purpose of providing an edge for cutting residue from the interior of a pipe. The examiner further notes that it would have been obvious to provide a bristle means impregnated with a solvent as part of the device of Karalius as a means by which to dissolve any organic residue left in the pipe. The tubular member (13) of Younghusband is considered as prior art disclosing that it is obvious to one of ordinary skill in the art to store or package pipe cleaners in tubular plastic containers.

In regard to claim 2, the examiner considers the composition of a plurality of mixtures as just that, a plurality of mixtures exhibiting semi rigid bendable properties obvious in the manufacturing of bendable objects and applicable in manufacturing of pipe cleaning devices.

In regard to claim 3 and absent any claimed criticality of the particular type of glass fibers the examiner notes that it would have been obvious to one of ordinary skill in the art to manufacture the device of Younghusband modified by Karalius, of glass fibers so long as the bending characteristics are duplicated. The particular type of fibers is considered as common in the art of resinous fibers.

In regard to claim 4, note that the outside of the tube member of Younghusband is cylindrical.

In regard to claims 5-7, the examiner considers the claim ranges as reasonable and obvious in the art unless the applicant can convincing claim the claim criticality of the particular ranges.

In regard to claim 8, and as broadly claimed Younghusband comprises end caps; being that they be integral or non-integral.

In regard to claim 14, the examiner notes that a radiuses edge is inherent in the device of Younghusband, however small, said radius being.

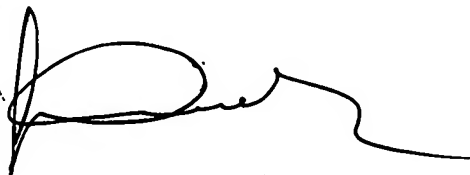
In regard to claim 15 the examiner notes that forming rod members, using a pultrusion process is well known and obvious in the art.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Note the overall device or Johnson and Czerkie.

Any inquiry concerning this communication should be directed to Jerome Donnelly at telephone number (571)272-4975.

JEROME DONNELLY
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Jerome Donnelly', written over the printed name and title.

Jerome Donnelly